United Nations S/2015/533

Security Council

Distr.: General
14 July 2015

Original: English

Letter dated 13 July 2015 from the Ombudsperson to the President of the Security Council

I have the honour to submit herewith the tenth report of the Office of the Ombudsperson, pursuant to paragraph 20 (c) of annex II to Security Council resolution 2161 (2014), according to which the Ombudsperson shall submit biannual reports to the Council summarizing her activities. The report describes the activities carried out by the Office of the Ombudsperson since the previous report was issued, covering the period from 1 February 2015 to 13 July 2015.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Kimberly **Prost**
Ombudsperson

15-11845 (E) 140815

Please recycle

Report of the Office of the Ombudsperson pursuant to Security Council resolution 2161 (2014)

I. Background

1. The present report provides an update on the activities undertaken by the Office of the Ombudsperson since the issuance of the ninth report of the Office (S/2015/80) on 2 February 2015.

II. Activities related to delisting cases

General

2. The primary activities of the Office of the Ombudsperson during the reporting period related to delisting requests submitted by individuals and entities.

Delisting cases

3. During the reporting period, three new cases were submitted to and accepted by the Office of the Ombudsperson. Two further requests for delisting were submitted, but the Ombudsperson determined that these did not sufficiently address the listing criteria set forth in paragraph 2 of resolution 2161 (2014), and further information has been sought in accordance with paragraph 1 (d) of annex II to the same resolution. No response had been received at the time of reporting. The total number of delisting petitions submitted since the establishment of the Office is 64 as at 13 July 2015. Unless the petitioner requests otherwise, all names remain confidential while under consideration and in the case of denial or withdrawal of a petition.

4. In total, the Ombudsperson has submitted 59 comprehensive reports to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities since the Office was established. During the reporting period, she submitted seven reports and appeared before the Committee on three occasions to present four cases.

5. Since the issuance of the ninth report, two individuals[1] have been delisted, and the name of one individual has been retained through the Ombudsperson process.

6. Cumulatively, since the Office was established, 56 cases involving requests made to the Ombudsperson by an individual, an entity or a combination of both have been resolved through the Ombudsperson process or through a separate decision of the Committee. In the 52 cases fully completed through the Ombudsperson process, 39 individuals and 28 entities have been delisted, 1 entity has been removed as an alias of a listed entity, and seven delisting requests have been refused. In addition, three individuals had been delisted by the Committee before the Ombudsperson process was completed and one petition was withdrawn following the submission of the comprehensive report. A description of the status of all of the cases, as at 13 July 2015, is contained in the annex to the present report.

[1] Abd al-Rahman Muhammad Jaffar 'Ali and Abdul Rahim Hammad Ahmad al-Talhi.

7. There were three cases pending before the Ombudsperson in the information gathering/dialogue phase and five before the Committee for consideration at the time of preparation of the present report. The three requests submitted to the Office during the reporting period were presented by individuals. To date, in total, 56 of the 64 cases have been brought by individuals, 2 by an individual together with one or more entities and 6 by entities alone. In 32 of the 64 cases, the petitioner is being or was assisted by legal counsel.

Gathering of information from States

8. In the three new cases, 11 requests for information have been sent so far to 10 States. With respect to the seven cases for which comprehensive reports were submitted to the Committee during the reporting period, there were four instances when a State from which information had been requested failed to respond. However, those States were not a State of residence/nationality or a designating State. In addition to the responses received from States to which requests were specifically directed, some Committee members provided information as a result of the general circulation of petitions.

9. During the reporting period, the Ombudsperson met on one occasion with officials in a capital on a specific case to gather information directly.

10. Paragraph 3 of annex II to resolution 2161 (2014) provides the Ombudsperson with the discretion to shorten the information-gathering period in cases in which all the designating States consulted do not object to delisting. The Ombudsperson was able to do so in one case during the reporting period.

Dialogue with the petitioner

11. During the reporting period, the Ombudsperson and her Office interacted with all petitioners during the dialogue phase of pending cases, including through e-mail exchanges, telephone discussions and face-to-face interviews. The Ombudsperson also travelled to interview four petitioners in person.

Provision of comprehensive reports to interested States

12. As noted in the eighth report, resolution 2161 (2014) introduced the possibility to disclose information to interested States which are not members of the Committee. Paragraph 13 of annex II stipulates that, if requested, the Ombudsperson may provide a copy of the comprehensive report to an interested State (designating State, State of nationality, residence or incorporation) with the approval of the Committee and any redactions needed to protect confidential material. In the reporting period, the Ombudsperson received three requests for disclosure from States. They have all been approved by the Committee and transmitted.

Access to classified or confidential information

13. One new arrangement for access to classified or confidential information was entered into, with Denmark, during the reporting period. To date, there is one formal agreement with Austria and 15 arrangements with Australia, Belgium, Costa Rica, Denmark, Finland, France, Germany, Ireland, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Portugal, Switzerland and the United Kingdom of Great Britain and Northern Ireland, respectively. During the reporting period, some States

confirmed that, while they were unable to enter into an information-sharing agreement for legal and policy reasons, they were in a position to consider providing information on an ad hoc basis. Also during the reporting period, confidential information of relevance was provided outside the framework of an agreement.

14. Efforts continued to expand the list of arrangements/agreements during the reporting period and it is hoped that further progress will be made in the upcoming months.

III. Summary of activities related to the development of the Office of the Ombudsperson

General

15. Activities to further develop and strengthen the Office of the Ombudsperson continued during the reporting period to the extent possible.

Outreach and publicizing of the Office

16. The Ombudsperson participated in some outreach activities, as far as possible given the limitations on time and resources.

17. On 24 February 2015, the Ombudsperson gave the keynote presentation of a panel on sanctions and the rule of law at the Global Law Summit in London. On 20 March 2015, she delivered remarks to the forty-ninth meeting of the Committee of Legal Advisers on Public International Law of the Council of Europe in Strasbourg, France. On 23 March 2015, the Ombudsperson gave a presentation on the Al-Qaida sanctions regime and the work of the Office at a regional conference organized by the United Nations Office on Drugs and Crime entitled "Foreign terrorist fighters: threat assessment and the identification of key issues and challenges in the national legislative frameworks" held in Valetta. On 1 April 2015, she participated in the forty-first annual Wolfgang Friedmann Conference of the Columbia Society of International Law as a panellist on the topic "Comparative perspectives: economic sanctions vs. military intervention in the age of globalization". On 10 April 2015, she participated in a panel at the annual conference of the American Society of International Law on the topic "Adapting to change: the role of international organizations". On 24 April 2015, the Ombudsperson gave a briefing to Member States, and on 11 May 2015 she gave a briefing to European Union representatives. On 29 and 30 April 2015, the Ombudsperson participated in a regional workshop of the Asia-Pacific Group on Money Laundering, sponsored by New Zealand, entitled "Targeted financial sanctions against terrorism", at which she gave a presentation on the role of the Ombudsperson. On 15 May 2015, she delivered a lecture at New York University on the challenges to and prospects for United Nations sanctions. On 27 May 2015, the Ombudsperson delivered remarks for a round-table discussion with members of the Fifth Committee of the General Assembly on the topic "Sanctions and fair process: reflections of the Al-Qaida sanctions Committee Ombudsperson". On 26 June 2015, she gave a presentation entitled "Towards new models of accountability: the institution of the Ombudsperson" at a conference on United Nations sanctions in the twenty-first century, held in Leiden, the Netherlands.

Interaction with the Security Council and the Committee pursuant to resolutions 1267 (1999) and 1989 (2011)

18. Since 1 February 2015, the Ombudsperson has appeared before the Committee on three occasions to present four cases: on 17 March 2015, in the case of Abdul Rahim Hammad Ahmad al-Talhi (delisted; formerly QDi.234); on 14 April 2015, in one case in which the petitioner was retained on the list; and on 19 June 2015, with reference to two cases, one of which is still pending and one in which the petitioner was retained. In addition, the Ombudsperson provided a number of written updates to the Committee in relation to various cases as they progressed through each phase.

19. The Ombudsperson and staff in her Office have continued to engage regularly with the Coordinator and members of the Monitoring Team. The Team has continued to provide relevant information in accordance with paragraph 4 of annex II to Security Council resolution 2161 (2014). During the reporting period, the Team assisted the Office of the Ombudsperson with English summaries in reviewing gathered information in Arabic and German. The Monitoring Team also provided expert advice on issues relevant to particular requests and helped the Office with Arabic-language communication with petitioners and other individuals contacted by the Office. Finally, the Monitoring Team was instrumental in facilitating contact with a number of academics whose expertise was helpful in the verification of case-related public information.

Liaison with States, intergovernmental organizations, United Nations bodies and non-governmental organizations

20. The Ombudsperson and staff in her Office continued to interact with States during the reporting period, in particular States of relevance to the pending delisting petitions. The Ombudsperson and staff in her Office also had several bilateral meetings with States interested in the work of the Office in order to discuss general issues and issues related to the transition from the incumbent to the incoming Ombudsperson. Discussions continued with a number of States concerning agreements or arrangements regarding access to confidential or classified information. However, given the personal nature of some of the arrangements, efforts to further the progress in this field will have to continue after the incoming Ombudsperson takes up her or his functions. The Ombudsperson also maintained contacts with the informal Group of Like-Minded States on Targeted Sanctions.[2] As noted above, the Ombudsperson also met with State officials in their capitals for general discussions and to obtain information regarding particular cases.

21. The Ombudsperson and staff in her Office continued to interact with representatives of the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Committee Executive Directorate, as well as with the Office of the United Nations High Commissioner for Human Rights and the Office of Legal Affairs.

22. The Ombudsperson also interacted with non-governmental organizations, including Security Council Report, Human Rights Watch and the Coalition for an International Criminal Court.

[2] Comprising Austria, Belgium, Costa Rica, Denmark, Germany, Finland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

Working methods and research

23. As previously, casework in the reporting period involved open-source research and contact with journalists, experts and academics to collect information and verify sources of publicly available case-related material.

24. The Ombudsperson continued to follow developments and collected information with regard to relevant national and regional legal cases. She also discussed general legal issues of relevance with counsel in the Office of Legal Affairs, and that Office continued to provide assistance to the Ombudsperson on various matters.

Website

25. The website of the Office of the Ombudsperson (www.un.org/en/sc/ombudsperson) continued to be revised and updated.

IV. Observations and conclusions

Fair process

Overall assessment

26. This tenth report marks five years of implementation of the Security Council mandate with respect to the Office of the Ombudsperson. Experience over this period has consistently demonstrated that the mechanism designed by the Council provides for an independent review process that comports with the principles of fairness and is able to deliver an effective remedy. In this regard, the practice with respect to sanctions imposed by the Al-Qaida sanctions Committee comports with fundamental human rights principles and international law as envisaged in Article 1 of the Charter of the United Nations. The mechanism also meets the criteria for the independent review process postulated by former Secretary-General Annan and urged in various forums.[3]

27. The number of applications to date, 64, also shows that the mechanism is needed, and that the design of the process and the approach to implementation by the Ombudsperson have generated confidence in the mechanism.

28. Experience to date has reinforced the critical components of the process, which, individually and in combination, make it robust and effective. There are limited procedural requirements for the submission of a delisting request. This has made the mechanism easily accessible, especially for individuals without legal representation, which has been the circumstance with respect to almost half of the cases to date. The dialogue phase and the Security Council's exhortation to the

[3] These principles include the right of a person against whom measures have been taken by the Security Council to be informed of those measures and to know the case against him or her as soon as and to the extent possible; the right to be heard, via submissions in writing, within a reasonable time by the relevant decision-making body; and the right to review by an effective review mechanism. (See S/PV.5474 (2006), p. 5, for comments by the Legal Counsel of the United Nations on behalf of the Secretary-General at the 5474th meeting of the Security Council, on 22 June 2006, during which he read from a letter and the non-paper annexed thereto from the Secretary-General to the Security Council setting out his views concerning the listing and delisting of individuals and entities on sanctions lists.)

Ombudsperson to meet with petitioners[4] for that exchange have proved to be features which are integral to fairness and essential to effectiveness. It is through this phase that the principles that the petitioner must know the case against him and must have an opportunity to respond to the case are fulfilled. In addition, the face-to-face interaction provides a critical opportunity for the Ombudsperson to assess the validity of the petition and the credibility of the petitioner.

29. As recognized in previous reports,[5] the architecture of the process, in particular the fixed timelines for all of the procedural stages, has been fundamental to success and has contributed considerably to the credibility of the mechanism and the external perception of this quality.

30. The requirement that reasons be given for the decisions taken in both delisting and retention cases has been instrumental in demonstrating that the process is reasonable, as opposed to arbitrary. The provision of reasons also serves as an opportunity to disseminate information beyond the Committee and the Ombudsperson, thereby enhancing the transparency of the process generally. It also allows for the underlying basis of decisions to be communicated to other bodies, such as domestic and regional courts, in particular cases where merited.

31. Finally, the limited circumstances in which a recommendation for delisting by the independent reviewer can be overridden[6] and the fact that the exceptions have not been resorted to in practice remain vital to the categorization of the Ombudsperson process as one which is fair, independent and able to deliver an effective remedy.

Assessment during the reporting period

32. In each of the cases completed during the reporting period, the petitioner was informed of the case underlying the listing and had an opportunity to respond and to be heard by the decision maker through the Ombudsperson's comprehensive report. While confidential material was considered in two cases, the Ombudsperson remained satisfied that the petitioner was still aware of the substance of the case to be met.

33. All of the decisions made by the Committee on delisting petitions during the reporting period were premised solely on information gathered by the Ombudsperson and followed her recommendation. In no case did the Committee take a decision by consensus contrary to the recommendation, and no matter was referred to the Security Council. Therefore, all cases met the fundamental requirements of fairness in terms of providing each petitioner with the opportunity to know and respond to the case against him and the availability of an independent review process and an effective remedy.

---

[4] Security Council resolution 2161 (2014), annex II, paragraph 7 (c).

[5] See the fourth report (S/2012/590), para. 36; and the ninth report (S/2015/80), para. 38.

[6] Pursuant to Security Council resolution 2161 (2014), annex II, para. 15, listing will be terminated 60 days after the Committee completes consideration of a comprehensive report of the Ombudsperson recommending delisting, unless the Committee decides by consensus before the end of that 60-day period to retain the listing; or the Chair, at the request of a Committee member, submits the question of delisting to the Security Council for a decision within a period of 60 days.

34. However, during the reporting period, in accordance with administrative guidelines, the Secretariat initiated a process for the replacement of the incumbent Ombudsperson. Unfortunately, for the resulting transition, the Secretariat has elected to rigidly apply the five-year contractual limitation arising from the guidelines, without any regard for the status of the pending cases. In particular, the deadline set did not take account of cases which were at an advanced stage in the Ombudsperson process, such that fairness mandated that they be completed by the incumbent. Furthermore, no respect was shown for the time periods mandated by the Security Council for the completion of those cases. In addition, neither the practical effects that a reduction in those deadlines would have on the fairness of the process nor the ability of the Ombudsperson to complete the necessary work within that time frame was taken into consideration. Appeals for a limited extension to allow for a natural transition date based on the status of the cases went unheeded.

35. As a result of this approach, the process with respect to Case 60 has been rendered unfair. Specifically, as a result of the Secretariat's actions, the time period mandated by the Council for consideration of the petition was overridden and reduced by over two weeks. This meant that the petitioner was not accorded the benefit of the process provided for by the Security Council and available in the context of other delisting petitions that were presented. Critically, the Ombudsperson considered that this case merited a fully extended dialogue phase for complete and proper interaction with the petitioner and the preparation of the comprehensive report. That was not possible because of the shortened deadline. Owing to efforts within the Office of the Ombudsperson, the report relevant to this case was submitted prior to the departure of the incumbent. The Ombudsperson is satisfied that, ultimately, the report was sufficiently comprehensive. It contained adequate information and a complete analysis for the Committee to consider in reaching a decision and, notably, it fully protected the right of the petitioner to be heard by the decision maker. As a result, in the view of the Ombudsperson, the petitioner did not suffer actual prejudice. However, it is highly regrettable that, in principle, this individual did not benefit from a fair and equal process.

36. Two other cases were similarly rushed to completion as a result of shortened time periods, which limited the ability of the Ombudsperson to follow up on particular matters. While that affected the comprehensiveness of the reports in comparison with general practice, it did not, in the view of the Ombudsperson, affect the outcome or render the process unfair in those two cases.

37. At the time of the preparation of reporting, there also remained the potential for the procedure in one other case to be damaged, as discussed below in relation to the transition.

Transparency of the process

Interested States

38. As discussed in the eighth and ninth reports, resolution 2161 (2014) introduced an important change in allowing for the release of the comprehensive report to specified interested States upon request and with the consent of the Committee. As indicated above, during the reporting period, three States sought the release of a comprehensive report, illustrating interest in the Ombudsperson process and in the individual delisting requests. All of those requests were granted by the

Committee. As indicated in the ninth report,[7] given the contribution to enhanced transparency to date, consideration should be given to allowing greater general access for States to the comprehensive reports of the Ombudsperson. As an initial step, the body of "interested States" could be expanded from the designating States and States of residence/nationality/incorporation to any State from which information was sought or provided in the case concerned. These "relevant" States often have a significant interest in the case in question for a variety of reasons, and access to the comprehensive report could be of value and assistance to the authorities of those States. Any issues of confidentiality which arise can easily be addressed through redactions.

The petitioner and the public

39. With respect to this issue, the comments made in the ninth report remain applicable:

> "As discussed in the eighth report, no other improvements have been made to the transparency of the process, and this remains the most significant fair process lacuna in the context of the Ombudsperson mechanism. The petitioner has no possible access to the comprehensive report. In terms of the general public — including interested legal authorities, judges and academics — disclosure is even more limited. While the petitioner is informed of the basis of the listing through the interview and reasons provided at the end of a case, the only information available to the general public about individual listings is that set out in the narrative summary of reasons on the website of the Al-Qaida sanctions Committee. No information is available as to the substance of the delisting applications, the issues considered and the basis for the decisions to retain the listing or to delist. None of the information gathered in particular delisting cases and no parts of the comprehensive report can be disclosed by the Ombudsperson. These constraints on transparency have no basis in the need to protect confidential information. The comprehensive reports can easily be adjusted to remove any sensitive or confidential material."[8]

40. For the moment, the Ombudsperson process remains one which is unnecessarily shrouded in mystery. Regrettably, this means that, while detailed documents exist to demonstrate the reasoned nature of the process, they are not made available. In addition, notwithstanding the aims of the sanctions to prevent terrorist support and activities and to change conduct, information which gives a clear indication of the types of actions targeted by the sanctions regime is not available beyond the Security Council, some interested States and the Ombudsperson.

Provision of reasons for delisting or retention

41. Since the adoption of resolution 2083 (2012), the Security Council has mandated that decisions to delist or retain made through the Ombudsperson process be accompanied by reasons. Security Council resolution 2161 (2014) provided a much-needed enhancement of this requirement by including a 60-day deadline for the transmittal of reasons by the Committee to the Ombudsperson. This has served to ensure that the reasons in each case are delivered within a reasonable time frame.

[7] See the ninth report (S/2015/80), para. 39.

[8] Ibid., para. 40.

The ninth report detailed significant problems which had been encountered in terms of the substantive content of reasons in delisting cases.[9] During the reporting period, there was some progress in ensuring that the reason letters provide sufficient factual information regarding the basis for the decision. Nonetheless, problems and challenges remain.

42. In this regard, the argument continues to be advanced that in delisting cases the petitioners do not require substantive reasons in that they have already received a fair process through the result. However, a fair process — by its nature and nomenclature — relates not to the result achieved, but to the fairness of the process by which the outcome was attained. To this end, a reasoned explanation for the decision taken is relevant and necessary to fairness in both delisting and retention cases.

43. As discussed in several reports,[10] there are also still concerns which arise with respect to reasons in retention cases. As the listing is maintained on the basis of the recommendation of the Ombudsperson, which in turn is premised on the analysis contained in the comprehensive report, it is crucial for the fairness of the process that the reasons provided be consistent with the observations, analysis and findings of the Ombudsperson. The reasons must also properly convey the comprehensive nature of the report submitted and address all of the arguments advanced by the petitioner in the delisting petition and through the exchanges with the Ombudsperson.

44. As stated in the ninth report, "reasons provide the sole opportunity to publicly demonstrate to the petitioner, and more broadly, the reasoned nature of the decision-making process which led to delisting".[11] The failure to provide detailed and substantive reasons "perpetuates an appearance of arbitrariness with respect to a process established by the Security Council which can otherwise be demonstrated to meet the requirements of fairness. As such, this lack of transparency jeopardizes the overall fairness of the procedure and, most significantly, the perceptions as to its reasonableness".

45. The experience of the reporting period reaffirms that challenges to the delivery of full and accurate reasons will continue insofar as the current structure — according to the Committee the responsibility for providing reasons — is retained. As noted in the eighth and ninth reports, given the structure of the Ombudsperson process, responsibility for providing reasons, in both delisting and retention cases, should be entrusted to the Ombudsperson, with appropriate safeguards regarding the release of confidential material.[12] The only exception to this should be in the case of a Committee reversal or a Security Council decision, where the Committee or the Council, respectively, should be accountable for the reasons. This structure would properly reflect the process as a whole and would significantly enhance its fairness, transparency and efficiency.

46. One further issue relating to the communication of decisions and the delivery of reasons was highlighted through practice during the reporting period. As with any

[9] Ibid., para. 43.

[10] See the seventh report (S/2014/73), paras. 43-45; the eighth report (S/2014/553), paras. 39-42; and the ninth report (S/2015/80), paras. 45 and 46.

[11] See the ninth report (S/2015/80), para. 44.

[12] See the eighth report (S/2014/553), para. 42; and the ninth report (S/2015/80), para. 46.

Committee decision to delist, information about the decision will be publicly conveyed by the Secretariat through communications to States and by a press release as soon as possible after the determination. For that reason, since the Office of the Ombudsperson became operational, the practice has been that the Ombudsperson has advised the petitioner informally, in advance of public notification, of the decision to delist. As this practice serves the interests of the petitioner, the Ombudsperson and the Committee, consideration should be given to referring to it in a resolution to ensure its future continuation.

47. However, in the case of retention, no such practice of notifying the petitioner has been established, as no publicity surrounds a decision to retain a listing. Furthermore, there is a specific formal notification process provided for in resolution 2161 (2014) but it applies only after the 60-day period. The effect of this is that, in retention cases, the petitioner does not receive immediate notification of the result of his application when a decision has been made to retain.[13] Depending on the contentiousness of the reason letter, the delay in communicating the decision can take the full 60 days. In a process with strict and efficient deadlines, this results in a perception to the contrary being conveyed to petitioners. In the interest of fairness to the petitioners and to enhance the perception of efficiency, consideration should be given to a provision empowering the Ombudsperson to advise the petitioner of the decision to retain the listing immediately after the decision is taken, with a note that reasons will follow within the 60-day deadline. Under such an immediacy requirement, the notification could be triggered by the Secretariat advising the Ombudsperson of the result of the Committee's consideration of the matter.

Cooperation of States/State support for the Office of the Ombudsperson

48. State cooperation and expressions of support for the Office of the Ombudsperson were particularly strong during the reporting period. Almost all States provided a response to requests for information presented, and all designating States and States of residence/nationality replied in all completed cases. In addition, at recent debates concerning sanctions and counter-terrorism, in the Security Council and other forums, States across regional groupings expressed exceptional support for the work of the Office of the Ombudsperson.[14]

Access to confidential or classified material

49. The Ombudsperson continues to face challenges in accessing confidential and classified material relevant to the basis for listings. However, some significant progress was made in addressing this problem during the reporting period. One access-to-information agreement/arrangement has been entered into with Denmark. In addition, some States have confirmed to the Ombudsperson a willingness and ability to consider and provide confidential material, on a case-by-case basis, without a formalized process. In discussions, these States have revealed that insurmountable legal and policy constraints preclude entering into a written agreement or arrangement with the Ombudsperson on this matter but do not preclude ad hoc assistance. In fact, one State indicated that the adoption of any

[13] See resolution 2161 (2014), para. 42 and annex II, paras. 10 and 14.

[14] See, for example, S/PV.7463; the open briefing of Member States by the Ombudsperson on the work of the Office on behalf of the Security Council Al-Qaida sanctions Committee, held on 24 April 2015; and S/2015/459.

arrangement would probably limit, as oppose to advance, the opportunities for access to classified or confidential material in particular cases. This confirmation from several States as to the availability of ad hoc assistance is an important addition to the existing network for access to such material. It is also notable that, during the reporting period, confidential information of assistance and relevance in specific cases was provided despite the absence of an agreement or arrangement. In addition, there was considerable progress in the negotiation of further agreements/arrangements, which will, it is hoped, come to fruition in the very near future. While this issue continues to require attention and effort, it is encouraging to see progress being made. A comparison of the circumstances which the Ombudsperson faced in July 2010 with the current state of affairs serves to confirm that considerable advancement has been made in accessing confidential and classified material for the Ombudsperson process.

Humanitarian exemptions

50. Experience during the reporting period has further fortified the comments made in the eighth and ninth reports that responsibility for conveying requests for humanitarian exemptions within the Al-Qaida sanctions regime should be assigned to the Ombudsperson.[15]

51. As a starting point, the Committee's procedures for considering requests for humanitarian exemptions are complex in nature. Despite the diligent efforts of the Focal Point in providing detailed explanations, the process is confusing for an individual who has no exposure to the working methods of the Security Council. In these circumstances, it seems counterproductive to further complicate the scenario by having two different authorities within the regime addressing various requests which relate to the same listing. As mentioned previously, it does not generate confidence in either procedure.

52. There was further activity with respect to humanitarian exemption requests during the reporting period. Since the Focal Point was mandated to receive exemption requests, the Ombudsperson has referred a total of five exemption requests to the mechanism. Only two of those five cases resulted in actual requests being presented. One petitioner in the Ombudsperson process was also pursuing a humanitarian request in parallel. Another petitioner enquired about the exemption request process but did not pursue it.

53. Once again, there has been duplication of time and effort, with the Ombudsperson providing a general outline of the process to guide the petitioners to the Focal Point and the Focal Point then engaging with the petitioners regarding the exemptions. In the above-mentioned case, the delisting and exemption requests were being considered through the applicable procedures at essentially the same time, which only serves to heighten the complexity for the petitioner and presents opportunities for miscommunication. It is also relevant that, as before, the only request for humanitarian exemptions which was pursued during the reporting period was referred by the Ombudsperson to the Focal Point, with the result that an additional unnecessary step was required to pursue the request.

54. It is unquestionable that access to the Focal Point for the purpose of humanitarian exemptions in other regimes, for which the Ombudsperson does not

[15] See the eighth report (S/2014/553), para. 48; and the ninth report (S/2015/80), para. 50.

have a mandate, is urgently needed. In fact, the central argument advanced for reintroduction of the Focal Point into the Al-Qaida sanctions regime for the purpose of humanitarian exemptions was that it would allow for easy and consistent expansion to other regimes. However, this power was accorded to the Focal Point for the Al-Qaida sanctions regime in resolution 2083 (2012). Two and a half years later, it has not been extended to any other sanctions regime. While that extension is much needed, it appears pointless to continue the dualistic approach with reference to the Al-Qaida sanctions regime.

Independence of the Office of the Ombudsperson

Implementation of the resolutions

55. In its resolution 1904 (2009), the Security Council decided that, "when considering delisting requests, the Committee shall be assisted by an Office of the Ombudsperson".[16] Five and a half years later, no steps have been taken by the Secretariat to establish an independent Office within the structure of the United Nations.

56. In its resolution 2161 (2014), the Security Council emphasized its original intention by requesting the Secretary-General to continue to strengthen the capacity of the Office of the Ombudsperson to "ensure its continued ability to carry out its mandate in an independent, effective and timely manner".[17] The addition of "independent" did not prompt any action on the part of the Secretariat to put in place institutional arrangements which support and safeguard independence.

57. Over a two-year period, the Ombudsperson highlighted directly to the Secretariat the issue of independence and deficiencies in the current structural and contractual arrangements. The issue was also addressed in the seventh, eighth and ninth reports to the Security Council.

58. On 17 April 2014, the Group of Like-Minded States on Targeted Sanctions transmitted an input paper to the Security Council noting that the current contractual arrangements fail to fully implement the Security Council resolutions and significantly impair the ability of the Ombudsperson to fulfil the mandate, particularly in terms of independence.[18] It called for the establishment of a permanent office and improvement of the contractual arrangements. On 18 June 2015, the Group reiterated these concerns in a letter to the Security Council, in which it called for the improvement of the institutional independence of the Office.[19] It noted that "the status and privileges of the position should fully reflect the independence required to perform the tasks of the Ombudsperson effectively. Furthermore, the applicable administrative arrangements in place for budgeting, staffing, staff management and resource utilization at the Ombudsperson's Office lack the critical features of autonomy. In fact, structurally no Office of the Ombudsperson has been created despite the decision in Security Council resolution 1904 (2009)".

59. However, the Secretariat continues to rely upon a consultancy contract to fulfil the requirements of successive resolutions relating to the Ombudsperson. As far as

[16] See resolution 1904 (2009), para. 20.
[17] See resolution 2161 (2014), para. 46.
[18] S/2014/286, annex.
[19] S/2015/459.

the Ombudsperson is aware, no consideration has been given by the Security Council Affairs Division of the Department of Political Affairs to adopting another form of contractual arrangement in order to alleviate the problems which have been identified. The only change to terms and conditions came in January 2013, when the application of guidelines developed exclusively for the recruitment and administration of the consultants who serve as experts on groups/panels assisting sanctions Committees was extended to the Ombudsperson.

60. These guidelines were made applicable to the Ombudsperson position, along with the resulting contract changes, without notice to, or discussion with, the Ombudsperson. Moreover, the guidelines were applied without consideration as to their appropriateness for the Ombudsperson given the unique role of the position and its fundamental differences from the expert panels in all core respects.

Terms of contract inconsistent with independence

61. The terms of the resulting consultancy contract are fundamentally inconsistent with the independent role and functions of the Ombudsperson. Among the most serious concerns is a certification requirement, which is antithetical to independence. The problem is succinctly captured in a memorandum sent to the Ombudsperson by the Secretariat in January 2015. Noting that certification of service is mandatory for all consultancy contracts, including with respect to the Ombudsperson, the memorandum states that certification

> "covers both performance and attendance, since the Office of the Ombudsperson was established at United Nations Headquarters in order that it might adequately support the work of the 1267/1989 Committee. Notwithstanding the independence of the Ombudsperson, the Secretary-General must be able to certify that certain conditions of performance have been met if he is expected to authorize monthly payment of fees".

62. The memorandum adds that the performance of the Ombudsperson is to be certified by the administering office, i.e., the Security Council Affairs Division. Accordingly, the performance of the Ombudsperson is subject to an evaluation with reference to undefined "conditions" by unidentified officials within the division of the United Nations responsible for supporting and assisting the Security Council and the Al-Qaida sanctions Committee, including with respect to the imposition, enforcement and implementation of sanctions. These are the very bodies in relation to which the Ombudsperson must maintain independence. In the absence of certification, the Ombudsperson will not be paid.

63. To date, the certification requirement has not been used in practice to attempt to interfere with the performance of functions by the Ombudsperson. Nonetheless, that does not detract in any way from the fact that this contractual requirement, in principle and in terms of perception, constitutes a significant restriction on the independence of the Ombudsperson.

64. Furthermore, the general terms of consultancy contracts prohibit any participation by the Ombudsperson in management functions with respect to budget, resource and staff issues and even the staff selection process. Therefore, the contract pre-empts the structural establishment of any form of "Office of the Ombudsperson", independently managed by the Ombudsperson, as foreseen by the Security Council.

65. Instead, all of these functions are carried out by political affairs officers within the Security Council Subsidiary Organs Branch, and these officers are in a position to direct the staff working with the Ombudsperson. Until very recently, the responsibility of supervision and performance appraisal was, in fact, assigned to the Secretary of the Al-Qaida sanctions Committee, further exacerbating the potential for conflict. The structure is not a workable or sustainable one for an independent office. It is also a configuration which places the two staff members assisting the Ombudsperson in a difficult situation of conflict between de facto and de jure managers. This has created specific challenges identified in the present and previous reports.[20] While the staff has now been placed under the direct supervision of another official within the Branch, this does not alleviate the fundamental structural problem arising from the inability of the Ombudsperson to independently manage the staff.

66. There are similar structural problems with respect to budget and resource management more generally. As the Office of the Ombudsperson does not exist as an independent institution, there is no independent budget for its mandate. Furthermore, the Ombudsperson, as a consultant, is not in a position to directly manage budgetary priorities.

Practical concerns with respect to independence

67. There were also other worrying incidents during the reporting period in terms of independence. On one occasion, for reasons entirely unrelated to financial accountability, officials in the Security Council Subsidiary Organs Branch temporarily blocked the travel of the Ombudsperson for a core function, the interview of a petitioner. While the matter was resolved fairly quickly, it illustrates the dangers to independence, even with respect to core functions, when the Office is reliant exclusively on the discretion of individuals, without institutional safeguards. Another situation, which apparently occurred by mistake, highlighted the dangers arising from the fact that the Ombudsperson does not have control over who has access to the electronic drives which containing the general material related to the work of the Office (although no State confidential material). This is glaringly inconsistent with the fundamental architecture of an independent office and jeopardizes the overall confidential nature of the mandate. Finally, without notice to the Ombudsperson, the staff of the Office were recently directed by the Branch to make a substantive change to the website of the Office of the Ombudsperson, which is a stand-alone, independent website. Those instructions, countermanded by the Ombudsperson, again illustrate the fragility of the protection for independence arising from the structure.

Fundamental restructuring required

68. During its five years of operation, the "Office of the Ombudsperson" has, in practice, fulfilled in a robustly independent manner the mandate accorded to it by the Security Council. However, this has not been as a result of any structural capacity or protections for independence. To the contrary, as described, the applicable administrative and contractual arrangements in place for the Ombudsperson lack the critical features of autonomy and the structural attributes of

[20] See the eighth report (S/2014/553), para. 51; and the seventh report (S/2014/73), paras. 69 and 70.

an independent Office. It is an achievement attributable only to individual efforts. Evidently, this is not what was foreseen by the Security Council in mandating the creation of an independent Office of the Ombudsperson.

69. For these reasons and those articulated in the seventh, eighth and ninth reports, urgent attention needs to be given to revising the contractual and structural arrangements underpinning the Office of the Ombudsperson. Steps need to be taken to establish an independent Office, within the United Nations structure, as envisaged by the Security Council. The arrangements should be such that the Office of the Ombudsperson is able to function independently and the Ombudsperson is competent to autonomously manage the staff, budget and other resources of the Office, with normal provisions and protections for financial accountability.

Administration of the Office of the Ombudsperson

70. The Security Council Affairs Division, within the Department of Political Affairs, currently has administrative responsibility for the Ombudsperson. In terms of perceptions as to independence, it is difficult to envisage a worse placement of these functions than within the branch/division/department which provides direct support on sanctions-related matters to the bodies from which independence is essential. In addition to obvious perception issues, officials within the Division continue to view the role of the Ombudsperson as analogous to that of the panel experts who advise and assist the various sanctions committees. Moreover, as discussed, they consider it essential to apply equally to the Ombudsperson internal guidelines and contractual arrangements developed for administration of the panel experts.

71. Given that the Ombudsperson's role, functions, reporting responsibilities and reasons for independence of the Ombudsperson are profoundly different from those of the experts, this approach poses a significant threat to the independence which is so essential to the effectiveness of the Ombudsperson process. In the case of the Ombudsperson, even a perception of lack of independence, arising from structural defects, can have a direct impact on the credibility of the mechanism and its fitness for purpose. And most significantly, a lack of independence for the Ombudsperson not only affects practice before the Committee and the Council, but also directly infringes on the rights of individuals and entities to an independent review and an effective remedy.

72. In these circumstances, in addition to the broader changes to the contractual and administrative structures, urgent consideration should be given to transferring administrative responsibilities for the Ombudsperson and the related support positions of Administrative Assistant and Legal Officer to another part of the Organization not directly related to the work of the Security Council, sanctions panels or sanctions more generally.

Transition

73. The guidelines developed for the experts serving on panels impose a five-year contractual limitation[21] which has been retroactively applied to the Ombudsperson. As discussed, on this basis, during the reporting period, the Secretariat initiated a

[21] While this is a lengthier term than that applicable in standard consultancies, the Ombudsperson contract is subject to a fixed-term limitation of any duration only because the Secretariat has elected to use a consultancy contract to fill the post.

process for the replacement of the Ombudsperson. In accordance with resolution 1904 (2009), responsibility for the appointment of the Ombudsperson, in fulfilment of the Security Council mandate, rests with the Secretary-General, in close consultation with the Committee.[22]

74. Throughout the selection procedure and into the transition phase, officials within the Security Council Affairs Division have expressly and repeatedly prioritized above all other considerations the rigid application of the five-year contract limit and the consistency of contractual arrangements between the Ombudsperson and the panel experts. Precedence has explicitly been given to these administrative arrangements over ensuring the rights of individual petitioners, preserving the fairness of the Ombudsperson process, protecting the security interests of the regime and safeguarding the credibility of the Security Council mechanism.

75. In April and May 2015, the Ombudsperson twice presented to the Security Council Affairs Division a transition plan which, with a minimal two-week extension of the incumbent to 1 August 2015, would have ensured that no pending cases would have been prejudiced by the transition and that there would have been no damage to the fairness, effectiveness or credibility of the regime. The sole reply cited procedural issues. No substantive response was ever received to that proposal or to the fairness issues identified.

76. At the briefing given on 16 June 2015 by the Chairs of the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011), the Committee established pursuant to resolution 1373 (2001) and the Committee established pursuant to resolution 1540 (2004), members of the Security Council noted their concerns about the succession process and the need for smooth transition. On 18 June 2015, the Like-Minded Group of States on Targeted Sanctions sent a letter to the Security Council expressing concern about the risk of a gap in the occupation of the Office of the Ombudsperson and calling for the swift appointment of the new Ombudsperson to avoid such a gap. The Group noted in particular that "it is indisputable that such a transition has to be accomplished in an orderly and timely fashion that neither leaves the office a single day unoccupied, nor may render an unfinished delisting case vulnerable to claims of lack of due process". It therefore suggested that, in case the successor could not assume office in a timely fashion, the incumbent Ombudsperson be requested to stay in office until the handover to the successor was duly completed.[23]

77. At the time of reporting, on 13 July 2015, the final day of the incumbent's contract, to the knowledge of the Ombudsperson, no replacement had been appointed by the Secretary-General, no extension had been granted and no alternative transition plan had been put in place.

78. The effect is such that, unless as at 14 July 2015 a replacement has been both appointed and engaged pursuant to a contractual arrangement, so as to be able to carry out the official functions of the Ombudsperson, the Security Council fair process mechanism will be rendered non-functional for an unknown period. The potential damage to pending cases will be dependent on the timing.

79. There is, however, one case of particular concern. On the basis of the Secretariat's circulation to the Committee of the translations of the comprehensive

[22] See resolution 1904 (2009), para. 20.

[23] See S/2015/459.

report on the case, the 15-day interval set by the Security Council for the Committee to consider the delisting request will end on 27 July 2015.[24] In the absence of an extension, that left the incumbent with only one day to present the report. Given the shortened time periods in other cases, in which fairness mandated that the comprehensive reports be prepared by the incumbent, priority was given to those matters to avoid real and immediate prejudice to petitioners. Furthermore, a rushed preparation and presentation of the comprehensive report in the case in question, in a one-day time frame, would have been prejudicial both to the interests of the Committee and the Council and to those of the petitioner. Relying on the confidence repeatedly expressed by the Security Council Affairs Division that there would be only a minimal, if any, gap between operational Ombudspersons, this matter was left to be presented by the new Ombudsperson, with the participation of the incumbent, as discussed below.

80. As noted, however, as at the time of reporting, it was not clear whether the new Ombudsperson would have taken up official functions by 27 July 2015. As a result, there is a risk that the deadlines set by the Security Council for the presentation and consideration of the case will not be met, and the process for the petition will be rendered unfair. Other consequences arising from that breach would need to be assessed by the incoming Ombudsperson.

81. In addition to these existing case issues, it is evident that, during the period in which the mechanism is non-functional, no action can be taken on any potential delisting petitions presented until the arrival of the new Ombudsperson. Whether or not that circumstance arises, it is a concern in principle.

82. Finally, the fact that the transition has been carried out without consideration of pending cases and the possibility of a gap in functionality affects the credibility of the mechanism as a sustainable independent review mechanism. In particular, it raises issues as to its autonomy if it can be rendered non-functional by actions of the Secretariat in circumstances where that result was foreseeable and preventable.

83. There is one additional transition issue which remains unresolved at this stage, although it is hoped that it will be a manageable one. Notably, the presentation of the comprehensive reports by the Ombudsperson before the Committee forms an integral part of the fairness of the process. It is the combination of the written and oral presentations, including the opportunity for Committee members to question the report writer and raise issues, which fulfils the fundamental right of the petitioner to be heard by the decision maker. It is also an essential part of the process to ensure that the Committee has a comprehensive understanding of the delisting petition and the report of the Ombudsperson. Evidently, the report presentation is of little added value, in terms of fairness or the understanding of the Committee, if the author of the specific comprehensive report does not participate in its presentation. In the view of the incumbent, while resolution 2161 (2014) mandates that the Ombudsperson present the report to the Committee, fairness requires that the prior post holder, who authored the report, also participate in the process, at the invitation of the serving Ombudsperson. If the incoming Ombudsperson concurs with this assessment, logistical arrangements will need to be put in place for this participation, whether

[24] Pursuant to paragraphs 8 and 10 of annex II to resolution 2083 (2014), the case shall be considered by the Committee between 15 and 30 days after the comprehensive report of the Ombudsperson has been circulated to the Committee in all official languages. In this case, the translations were circulated to the Committee on 27 June 2015.

live or virtual, to ensure fairness in the four pending cases in which the reports were prepared by the incumbent but have yet to be presented to the Committee.

84. Finally, whether ultimately a gap occurs or actual prejudice results in pending cases, the transition process has clearly shown what little protection the current structural arrangements provide for the Ombudsperson mechanism. In addition to bolstering the case for contractual/administrative change, it has revealed the need for the institutional arrangements to address the procedure for the replacement of the post holder. Policy considerations may well support a fixed-term appointment. Nonetheless, in the case of an operational mechanism which involves fundamental rights and functions in accordance with fixed deadlines, there must be a flexible approach to transition which prioritizes safeguarding rights and protecting the fairness of the process. The manner in which this replacement has been managed illustrates unambiguously that those essential priorities will be at risk if the process is left to the discretion of officials, without institutional safeguards.

Dedicated resources

85. In the first and second reports of the Ombudsperson, the need for dedicated resources to support the Ombudsperson was detailed. The following was stated in the first report:

> "The newly created Office of the Ombudsperson was originally mandated for an 18-month term. If that mandate is to be renewed, consideration should be given to providing the Office with appropriate resources, commensurate with its responsibilities and case load. Currently the Ombudsperson is ably assisted in her tasks by staff members of the Department of Political Affairs of the United Nations Secretariat, to the extent feasible given the independence of her functions and the competing demands on Secretariat staff. This help is invaluable but limited. The proper consideration of each petition requires considerable time and resources. The existing cases are already taxing the resources to the maximum and it is anticipated that this case load will continue to grow. In addition, there are the other significant responsibilities and activities outlined in the present report that are important to the advancement of the Office and the enhancement of the fairness and clarity of the Al-Qaida and Taliban sanctions process. In the view of the Ombudsperson, there is urgent need at this stage for a dedicated administrative assistant and a senior-level legal professional to assist with the legal research and analysis central to the work of the Office."[25]

86. Similar comments were reflected in the second report, submitted in July 2011.[26]

87. As stated in the third report, of 20 January 2012,[27] the General Assembly had approved the establishment of two dedicated positions to strengthen the Office of the Ombudsperson: an administrative assistant and a professional legal officer at the P-4 level. As of October 2012, both positions had been filled.

88. The original assessment of resource requirements remains appropriate, especially given the current overall constraints in that respect. The Office of the Ombudsperson has been able to fully engage with petitioners, consistently deliver

[25] See the first report (S/2011/29), para. 53.
[26] See the second report (S/2011/447), para. 51.
[27] See the third report (S/2012/49), para. 58.

comprehensive reports of high quality and ensure a fair process, at current resource levels, by working effectively as a team. While the workload can be significant, depending on the number of pending cases, this is a reality of the resource limitations faced across the United Nations more broadly. The resource requirements are stretched but adequate at this time. However, given the limited resources involved, any decrease, even for a limited period, would disproportionately affect the ability of the Office to perform its functions and would significantly impair its effectiveness at this stage of development.

89. Furthermore, this assessment of adequacy is entirely dependent on the continuous availability of resources as dedicated resources, consistent with the purpose for which the posts were provided. While initially the practice within the Security Council Subsidiary Organs Branch and the Security Council Affairs Division respected the committed nature of the positions, that approach has significantly changed over the past 20 months. It is evident, from both statements made and actions taken, that these resources are now viewed by management as Branch resources used to assist the Ombudsperson.

90. To illustrate, without consultation with the Ombudsperson, the administrative assistant is often directed to carry out work not related to the core functions of the Office of the Ombudsperson. In addition, as discussed above, the directions to the staff, in some instances, create a conflict in terms of the independence of the Office, which in turn has an impact on the effectiveness of the resources.[28] Furthermore, and perhaps most worrying, the recent performance appraisals for both staff members have been centred on the work carried out for the Branch, with minimal reference to the main function of the posts, to support the Ombudsperson. Moreover, none of the detailed specific comments made by the Ombudsperson are reflected in the appraisal documentation.

91. These actions and this general view are not consistent with the submissions made to obtain these resources or with the purpose for which they were provided by the General Assembly: to have dedicated staff for the Office of the Ombudsperson. It is important to note that this requirement for dedicated staff arises not only from workload demands but also, and even more important, as a result of the independent nature of the mandate. Therefore, it is imperative not only that the resources of the Office remain fully engaged in support of the Ombudsperson, but also that the staff continue to be viewed within the Security Council Subsidiary Organs Branch, and the Security Council Affairs Division more generally, as dedicated resources carrying out independent functions.

92. In practical terms, given the resource challenges for the organization as a whole, it is clearly appropriate that, in the absence of any conflict arising from its independent role, staff of the Office of the Ombudsperson may volunteer for, or be asked to assist with, other work. However, any such arrangements have to be subject to fulfilment of their priority responsibilities within the Office of the Ombudsperson and need to be discussed with the Ombudsperson in advance.

[28] See the seventh report (S/2014/73), para. 70.

93. Furthermore, the functions of the Professional Officer within the Office of the Ombudsperson, as set out in the job description for the position,[29] need to be respected. The core functions of the Professional Officer, as directed by the Ombudsperson, are legal in nature and need to be performed by a Legal Officer with appropriate expertise. Finally, it is essential, given the dedicated nature of the posts, that the performance of the Administrative Assistant and the Legal Officer be assessed with reference to their work in support of the Ombudsperson and that the Ombudsperson's comments in that regard be given prominence in the appraisal process. Given the current structure, whereby the Ombudsperson is precluded from any formal management functions, respect for the aforementioned arrangements is essential to fairness to the staff and is also critical to the continued success of the Office in delivering effectively on its mandate with limited resources.

Conclusions

94. The Office of the Ombudsperson represents a remarkable accomplishment on the part of the Security Council. As a result of its establishment and implementation, a fair and accessible recourse has been made available at the international level to persons and entities listed by the Al-Qaida sanctions Committee. The structure of the mechanism is such that it provides for an independent review of factual information, is consistent with the fundamental precepts of fairness and has the capacity to deliver an effective remedy. The mechanism has been used consistently since it became operational, with 64 applications having been received over a five-year period. This demonstrates its necessity and is a credit to its design and implementation, which has given it a reputation as a fair, independent and credible recourse.

95. As such, it evidently serves to protect individual rights and safeguard fundamental fairness in the context of the work of the Security Council. At the same time, the Ombudsperson mechanism makes an important contribution to strengthening the overall effectiveness and credibility of the Al-Qaida sanctions regime, which itself safeguards important rights to life and security. Another important consideration is that, because there is recourse available at the international level through which individuals and entities can challenge their inclusion on the list, the need for resort to domestic/regional courts has been significantly reduced. This, in turn, decreases the likelihood of conflict between domestic and international obligations. Furthermore, as the protections are built into the system at the international level, they properly reflect a uniform approach, regardless of the location of the petitioner, and ensure the application of standards appropriate for a procedure related to Security Council sanctions measures. Moreover, the availability of these protections and an effective remedy at the international level better equips States to respond to, and overcome, political, policy and legal concerns which impede effective implementation of the sanctions measures domestically and regionally.

96. Thus, the Office of the Ombudsperson continues to serve as a mechanism which supports the fairness and credibility of the Al-Qaida sanctions regime, in turn strengthening the effectiveness of the sanctions measures.

[29] "This position is located in the Office of the Ombudsperson, which falls within a special political mission administered and supported by the Department of Political Affairs. Administratively, the incumbent reports to the Chief of the Security Council Subsidiary Organs Branch, while substantively, the incumbent works under the direction of, and reports to, the Ombudsperson appointed pursuant to Security Council resolution 1989 (2011)." The job description makes no provision for the performance of other duties as required.

97. The Ombudsperson process has consistently received an exceptional level of cooperation from States over a five-year period. While the important issue of access to confidential or classified material is still a significant challenge, progress is being made in addressing it.

98. However, there remain areas for improvement, as outlined in the present report. The continued limitations on transparency serve only to weaken the mechanism in terms of perceptions as to its reasonableness and fairness. Efforts should continue towards a more open process with sufficient disclosure of information — always subject to protections for confidentiality — which would demonstrate the overall strength and fairness of the Ombudsperson mechanism.

99. But the most serious threat to the mechanism at this stage is an internal one. The absence of an established office within the United Nations structure and the lack of institutional protections for its independence are of significant concern. As recently demonstrated, these structural weaknesses have the potential to impair the important rights which are to be safeguarded by the mechanism — both collective rights to security and individual rights. They also can damage the overall fairness, effectiveness and credibility of this important achievement of the Security Council. Urgent action is required to ensure that, moving forward, there will be an institutional Office of the Ombudsperson with solid protections which will allow it to function continuously and consistently as a fair and independent review mechanism.

100. Despite these challenges, however, over the five and a half years since its establishment, the Ombudsperson mechanism has successfully delivered on its mandate to provide a fair recourse process and effective remedy to individuals and entities listed under the Al-Qaida sanctions regime. Despite initial doubts expressed by some, it has proved that fairness and effective sanctions are compatible. In fact, a sanctions regime which is accompanied by a fair process mechanism can be better defended against legal challenges, is more open to full implementation and carries the credibility which is essential to its effectiveness. Much has been achieved in the first five years in which the Ombudsperson mechanism has been operational, and there is hope for continued advancements under its new leadership.

Annex

Status of cases

Case 1, one individual (Status: denied)

Date	*Description*
28 July 2010	Transmission of case 1 to the Committee
28 February 2011	Comprehensive report submitted to the Committee
10 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision
1 September 2011	Formal notification to petitioner with reasons

Case 2, Safet Ekrem Durguti (Status: delisted)

Date	*Description*
30 September 2010	Transmission of case 2 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 3, one entity (Status: delisting request withdrawn by petitioner)

Date	*Description*
3 November 2010	Transmission of case 3 to the Committee
14 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 August 2011	Withdrawal of petition

Case 4, Shafiq Ben Mohamed Ben Mohammed Al Ayadi (Status: delisted)

Date	*Description*
6 December 2010	Transmission of case 4 to the Committee
29 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 October 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 5, Tarek Ben Al-Bechir Ben Amara Al-Charaabi (Status: delisted)

Date	*Description*
30 December 2010	Transmission of case 5 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 6, Abdul Latif Saleh (Status: delisted)

Date	*Description*
14 January 2011	Transmission of case 6 to the Committee
17 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 August 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 7, Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq (Status: delisted)

Date	*Description*
28 January 2011	Transmission of case 7 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
15 November 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 November 2011	Committee decision to delist
13 February 2012	Formal notification to petitioner with reasons

Case 8, Ahmed Ali Nur Jim'ale and 23 entities[a] (Status: delisted)

Date	*Description*
17 March 2011	Transmission of case 8 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
13 December 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 December 2011	Committee decision to delist six entities
21 February 2012	Committee decision to delist one individual and 17 entities
8 June 2012	Formal notification to petitioner with reasons

[a] Barakaat North America, Inc., Barakat Computer Consulting, Barakat Consulting Group, Barakat Global Telephone Company, Barakat Post Express, Barakat Refreshment Company, Al Baraka Exchange, LLC, Barakaat Telecommunications Co. Somalia, Ltd., Barakaat Bank of Somalia, Barako Trading Company, LLC, Al-Barakaat, Al-Barakaat Bank, Al-Barakaat Bank of Somalia, Al-Barakat Finance Group, Al-Barakat Financial Holding Co., Al-Barakat Global Telecommunications, Al-Barakat Group of Companies Somalia Limited, Al-Barakat International, Al-Barakat Investments, Barakaat Group of Companies, Barakaat Red Sea Telecommunications, Barakat International Companies and Barakat Telecommunications Company Limited.

Case 9, Saad Rashed Mohammed Al-Faqih and Movement for Reform in Arabia (Status: delisted)

Date	*Description*
19 April 2011	Transmission of case 9 to the Committee
21 February 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 July 2012	Committee decision to delist
13 November 2012	Formal notification to petitioner with reasons

Case 10, Ibrahim Abdul Salam Mohamed Boyasseer (Status: delisted)

Date	*Description*
6 May 2011	Transmission of case 10 to the Committee
9 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 11, Mondher ben Mohsen ben Ali al-Baazaoui (Status: delisted)

Date	*Description*
1 June 2011	Transmission of case 11 to the Committee
19 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 March 2012	Committee decision to delist
10 July 2012	Formal notification to petitioner with reasons

Case 12, Kamal ben Mohamed ben Ahmed Darraji (Status: delisted)

Date	*Description*
30 June 2011	Transmission of case 12 to the Committee
28 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
4 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 13, Fondation Secours Mondial (Status: amended*)

Date	*Description*
7 July 2011	Transmission of case 13 to the Committee
14 December 2011	Comprehensive report submitted to the Committee
24 January 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 February 2012	Committee decision to amend
9 July 2012	Formal notification to petitioner with reasons

* Amended to be removed as an alias of Global Relief Foundation (QE.G.91.02.).

Case 14, Sa'd Abdullah Hussein al-Sharif (Status: delisted)

Date	*Description*
20 July 2011	Transmission of case 14 to the Committee
29 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 April 2012	Committee decision to delist
5 June 2012	Formal notification to petitioner with reasons

Case 15, Fethi ben al-Rebei Absha Mnasri (Status: delisted)

Date	*Description*
4 August 2011	Transmission of case 15 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 16, Mounir Ben Habib Ben al-Taher Jarraya (Status: delisted)

Date	*Description*
15 August 2011	Transmission of case 16 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 17, Rachid Fettar (Status: delisted)

Date	*Description*
26 September 2011	Transmission of case 17 to the Committee
27 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 18, Ali Mohamed El Heit (Status: delisted)

Date	*Description*
5 October 2011	Transmission of case 18 to the Committee
2 May 2012	Comprehensive report submitted to the Committee
3 July 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 July 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 19, Yassin Abdullah Kadi (listed as Yasin Abdullah Ezzedine Qadi) (Status: delisted)

Date	*Description*
16 November 2011	Transmission of case 19 to the Committee
11 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
5 October 2012	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 20, Chabaane ben Mohamed ben Mohamed al-Trabelsi (Status: delisted)

Date	*Description*
21 November 2011	Transmission of case 20 to the Committee
23 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 21, Adel Abdul Jalil Ibrahim Batterjee (Status: delisted)

Date	*Description*
3 January 2012	Transmission of case 21 to the Committee
10 October 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 January 2013	Committee decision to delist
5 September 2013	Formal notification to petitioner with reasons

Case 22, Ibrahim ben Hedhili ben Mohamed al-Hamami (Status: delisted)

Date	*Description*
6 February 2012	Transmission of case 22 to the Committee
25 September 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 November 2012	Committee decision to delist
7 February 2013	Formal notification to petitioner with reasons

Case 23, Suliman Hamd Suleiman Al-Buthe (Status: delisted) (Repeated request)

Date	*Description*
23 February 2012	Transmission of case 23 to the Committee
30 August 2012	Comprehensive report submitted to the Committee
27 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
10 February 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 24, Mamoun Darkazanli (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 24 to the Committee
12 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 March 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 25, Abdullahi Hussein Kahie (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 25 to the Committee
26 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
26 September 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 26, Usama Muhammed Awad Bin Laden (Status: delisted) Ombudsperson case became moot following the Committee's decision of 21 February 2013

Date	*Description*
23 April 2012	Transmission of case 26 to the Committee
15 February 2013	Comprehensive report submitted to the Committee
21 February 2013	Committee decision to delist

Case 27, one individual (Status: denied)

Date	*Description*
7 May 2012	Transmission of case 27 to the Committee
11 February 2013	Comprehensive report submitted to the Committee
7 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
7 May 2013	Committee decision to retain listing
12 June 2013	Formal notification to petitioner with reasons

Case 28, one individual (Status: denied)

Date	*Description*
7 June 2012	Transmission of case 28 to the Committee
20 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 January 2013	Committee decision to retain listing
29 January 2013	Formal notification to petitioner with reasons

Case 29, Muhammad 'Abdallah Salih Sughayr (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 29 to the Committee
9 April 2013	Comprehensive report submitted to the Committee
21 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 July 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 30, Lajnat Al Daawa Al Islamiya (LDI) (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 30 to the Committee
15 April 2013	Comprehensive report submitted to the Committee
2 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 31, Abd al Hamid Sulaiman Muhammed al-Mujil (Status: delisted)

Date	*Description*
1 August 2012	Transmission of case 31 to the Committee
13 March 2013	Comprehensive report submitted to the Committee
30 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 June 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 32, Mohamed ben Mohamed ben Khalifa Abdelhedi (Status: delisted)

Date	*Description*
19 September 2012	Transmission of case 32 to the Committee
5 March 2013	Comprehensive report submitted to the Committee
16 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 May 2013	Committee decision to delist

Case 33, Mohammed Daki (Status: delisted)

Date	*Description*
12 October 2012	Transmission of case 33 to the Committee
28 May 2013	Comprehensive report submitted to the Committee
30 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
16 August 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 34, Abdelghani Mzoudi (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 18 March 2013

Date	*Description*
8 November 2012	Transmission of case 34 to the Committee
18 March 2013	Committee decision to delist

Case 35, International Islamic Relief Organization, Philippines, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 35 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 36, International Islamic Relief Organization, Indonesia, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 36 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 37, Jaber Abdullah Jaber Ahmed Al-Jalahmah (Status: delisted)[c]

Date	*Description*
4 February 2013	Transmission of case 37 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

[c] Jaber Abdullah Jaber Ahmed Al-Jalahmah was relisted on the same date by a separate Committee decision.

Case 38, Moustafa Abbas (listed as Moustafa Abbes) (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 38 to the Committee
12 August 2013	Comprehensive report submitted to the Committee
13 September 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 39, Atilla Selek (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 39 to the Committee
2 October 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 40, Youssef ben Abdul Baki Ben Youcef Abdaoui (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 40 to the Committee
14 November 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 April 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 41, L'hadi Bendebka (listed as Abdelhadi Ben Debka) (Status: delisted)

Date	*Description*
12 March 2013	Transmission of case 41 to the Committee
14 October 2013	Comprehensive report submitted to the Committee
3 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
18 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 42, Youcef Abbas (listed as Youcef Abbes) (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 42 to the Committee
2 October 2013	Comprehensive report submitted to the Committee
15 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 43, Said Yousef AbouAziz (listed as Said Youssef Ali Abu Aziza) (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 26 August 2013

Date	*Description*
27 March 2013	Transmission of case 43 to the Committee
26 August 2013	Committee decision to delist

Case 44, one individual (Status: denied)

Date	*Description*
2 May 2013	Transmission of case 44 to the Committee
4 February 2014	Comprehensive report submitted to the Committee
21 April 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 April 2014	Committee decision to retain listing
30 July 2014	Formal notification to petitioner with reasons

Case 45, one individual (Status: denied)

Date	*Description*
6 May 2013	Transmission of case 45 to the Committee
9 December 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 February 2014	Committee decision to retain listing
17 March 2014	Formal notification to petitioner with reasons

Case 46, Yacine Ahmed Nacer (Status: delisted)

Date	*Description*
10 May 2013	Transmission of case 46 to the Committee
30 December 2013	Comprehensive report submitted to the Committee
25 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
13 March 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 47, Nabil Benatia (listed as Nabil ben Mohamed ben Ali ben Attia) (Status: delisted)

Date	*Description*
3 June 2013	Transmission of case 47 to the Committee
12 November 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 48, Wael Hamzah Jelaidan (listed as Wa'el Hamza Abd al-Fatah Julaidan) (Status: delisted)

Date	*Description*
17 June 2013	Transmission of case 48 to the Committee
19 March 2014	Comprehensive report submitted to the Committee
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 August 2014	Committee decision to delist
29 October 2014	Formal notification to petitioner with reasons

Case 49, one individual (Status: denied)

Date	*Description*
24 June 2013	Transmission of case 49 to the Committee
3 April 2014	Comprehensive report submitted to the Committee
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
24 June 2014	Committee decision to retain listing
10 September 2014	Formal notification to petitioner with reasons

Case 50, Al-Haramain Foundation (USA) (Status: delisted)

Date	*Description*
5 September 2013	Transmission of case 50 to the Committee
30 June 2014	Comprehensive report submitted to the Committee
26 August 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 October 2014	Committee decision to delist
29 December 2014	Formal notification to petitioner with reasons

Case 51, Aqeel Abdulaziz Aqeel Al-Aqeel (Status: delisted)

Date	*Description*
28 October 2013	Transmission of case 51 to the Committee
18 August 2014	Comprehensive report submitted to the Committee
31 October 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist
3 March 2015	Formal notification to petitioner with reasons

Case 52, one individual (Status: denied)

Date	*Description*
27 May 2014	Transmission of case 52 to the Committee
18 February 2015	Comprehensive report submitted to the Committee
14 April 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 April 2015	Committee decision to retain listing
10 June 2015	Formal notification to petitioner with reasons

Case 53, Abd al-Rahman Muhammad Jaffar 'Ali (Status: delisted)

Date	*Description*
13 June 2014	Transmission of case 53 to the Committee
9 December 2014	Comprehensive report submitted to the Committee
29 January 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 March 2015	Committee decision to delist
12 May 2015	Formal notification to petitioner with reasons

Case 54, Abdul Rahim Hammad Ahmad al-Talhi (Status: delisted)

Date	*Description*
19 June 2014	Transmission of case 54 to the Committee
29 January 2015	Comprehensive report submitted to the Committee
17 March 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 May 2015	Committee decision to delist

Case 55, Ismail Mohamed Ismail Abu Shaweesh (Status: delisted)

Date	*Description*
23 June 2014	Transmission of case 55 to the Committee
10 November 2014	Comprehensive report submitted to the Committee
16 December 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist
17 February 2015	Formal notification to petitioner with reasons

Case 56, one individual (Status: denied) (Repeated request)

Date	*Description*
5 September 2014	Transmission of case 56 to the Committee
21 April 2015	Comprehensive report submitted to the Committee
19 June 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 June 2015	Committee decision to retain listing
10 July 2015	Formal notification to petitioner with reasons

Case 57, one individual (Status: Committee phase)

Date	*Description*
9 September 2014	Transmission of case 57 to the Committee
8 June 2015	Comprehensive report submitted to the Committee

Case 58, one individual (Status: Committee phase)

Date	*Description*
30 August 2014	Transmission of case 58 to the Committee
29 June 2015	Comprehensive report submitted to the Committee

Case 59, one individual (Status: Committee phase)

Date	*Description*
30 September 2014	Transmission of case 59 to the Committee
12 May 2015	Comprehensive report submitted to the Committee
19 June 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee

Case 60, one individual (Status: Committee phase)

Date	*Description*
10 November 2014	Transmission of case 60 to the Committee
13 July 2015	Comprehensive report submitted to the Committee

Case 61, one individual (Status: Committee phase)

Date	*Description*
19 January 2015	Transmission of case 61 to the Committee
7 July 2015	Comprehensive report submitted to the Committee

Case 62, one individual (Status: dialogue phase)

Date	*Description*
11 March 2015	Transmission of case 62 to the Committee
10 September 2015	Deadline for completion of the dialogue phase

Case 63, one individual (Status: information-gathering phase)

Date	*Description*
12 March 2015	Transmission of case 63 to the Committee
14 September 2015	Extended deadline for completion of the information-gathering phase

Case 64, one individual (Status: information-gathering phase)

Date	*Description*
29 May 2015	Transmission of case 64 to the Committee
29 September 2015	Deadline for completion of the information-gathering phase